

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 19, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Deb Schorr
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 12, 2004.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated October 12, 2004. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **CLAIMS: Approval of all claims processed through Tuesday, October 19, 2004.**

MOTION: Schorr moved and Hudkins seconded approval of all claims processed through October 19, 2004. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Vacation of a portion of George Street within the unincorporated area of Agnew, located in the Southwest Quarter of Section 12, Township 12 North, Range 5 East, in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify.

4) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to Judy Baker, 6900 West Agnew Road.

Baker stated the petitioners were requesting George Street be closed, as well as all adjacent alleyways.

The Clerk administered the oath to Larry Worrell, County Surveyor.

Worrell stated the petition did request that George Street, as well as the alleys in Block 1 and Block 2 be vacated.

Workman asked if any of the lots would be landlocked.

Worrell responded that no one would be landlocked.

In response to a question asked by Stevens, Worrell recommended that the Board grant the vacation, revert the land to the adjacent property owners and instruct the County Engineering Department to prepare the deeds for conveyance.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Workman seconded to approve the vacation of a portion of George Street within the unincorporated area of Agnew and direct the County Engineering Department to prepare deeds to revert the alleys back to perspective landowners and to place back on a County Board agenda when the deeds are prepared.

Kristy Mundt, Deputy County Attorney, requested that a letter of recommendation, dated September 13, 2004, from the County Surveyor (Exhibit 1) and a memorandum, dated September 16, 2004, from Mike DeKalb of the Planning Department (Exhibit 2) be entered into the record. She added that the resolution would appear on the October 26, 2004 Board of Commissioners agenda.

Both the maker of the motion and the seconder agreed upon the inclusion of language directing the County Attorney's Office to prepare a resolution regarding the vacation of a portion of George Street within the unincorporated area of Agnew located in the Southwest Quarter of Section 12, Township 12 North, Range 5 East.

CLARIFICATION OF MOTION: To direct the County Attorney's Office to prepare a resolution regarding the vacation of a portion of George Street within the unincorporated area of Agnew and to direct the County Engineering Department to prepare deeds to revert the alleys back to the property owners.

4) **PUBLIC HEARINGS CONTINUED:**

ROLL CALL: Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

B. County Final Plat 04064, Four Winds Estates Addition, requested by Brian D. Carstens and Associates on behalf of Harlan and Judith Stiefel, consisting of four lots, on property generally located at S.W. 84th Street and West Old Cheney Road in Lancaster County, Nebraska. (See New Business Items 5A and 5B for correlating documentation.)

The Chair opened the public hearing.

The Clerk administered the oath to Brian Carstens, representing Harlan and Judith Stiefel.

Carstens gave an overview of the proposal and indicated he was appearing to answer any questions the Board may have.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

C. County Special Permit 04046, Mustang Ridge Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for four residential acreages on property generally located southeast of the intersection of N.W. 27th Street and West Agnew Road, in Lancaster County, Nebraska. (See New Business Item 5C for the correlating resolution.)

D. County Preliminary Plat 04020, Mustang Ridge, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for four residential acreage lots on property generally located southeast of the intersection of N.W. 27th Street and West Agnew Road, in Lancaster County, Nebraska. (See New Business Item 5D for correlating resolution.)

The Chair requested Public Hearing Items 4C and 4D be heard together.

The Chair opened the public hearings.

Carstens appeared on behalf of Bob Benes of Aspen Builders and gave a brief overview of the proposals.

Schorr inquired whether any further development was planned in the section.

Carstens stated there were no plans at the present time and added that the zoning would have to be changed.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

5) **NEW BUSINESS:**

- A. **A resolution in the matter of County Final Plat 04064, Four Winds Estates Addition, requested by Brian D. Carstens and Associates on behalf of Harlan and Judith Stiefel, consisting of four lots, on property generally located at Southwest 84th Street and West Old Cheney Road in Lancaster County, Nebraska. (R-04-0124)**
- B. **A subdivision agreement with Harlan and Judith Stiefel, filed by Brian D. Carstens and Associates, for County Final Plat 04064, Four Winds Estates Addition, on property generally located at Southwest 84th Street and West Old Cheney Road in Lancaster County, Nebraska. (C-04-0494)**

The Chair requested both New Business Items 5A and 5B be heard together.

MOTION: Schorr moved and Hudkins seconded approval of Resolution 04-0124 in the matter of County Final Plat 04064, Four Winds Estates Addition, and to approve a subdivision agreement with Harlan and Judith Stiefel in connection with County Final Plat 04064, Four Winds Estates Addition, on property generally located at Southwest 84th Street and West Old Cheney Road in Lancaster County, Nebraska. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

- C. **A resolution in the matter of County Special Permit 04046, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, to create four residential acreage units, on property generally located southeast of the intersection of Northwest 27th Street and West Agnew Road in Lancaster County, Nebraska. (R-04-0125)**
- D. **A resolution in the matter of County Preliminary Plat 04020, Mustang Ridge, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for four residential acreage lots on property generally located southeast of the intersection of Northwest 27th Street and West Agnew Road in Lancaster County, Nebraska. (R-04-0126)**

The Chair requested New Business Items 5C and 5D be heard together.

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0125 in the matter of County Special Permit 04046, Mustang Ridge Community Unit Plan, and to also approve Resolution 04-0126 in the matter of County Preliminary Plat 04020, Mustang Ridge, to create four residential acreage units, on property generally located southeast of the intersection of Northwest 27th Street and West Agnew Road in Lancaster County, Nebraska. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

E. An application for a Special Designated License from B&B-Q Inc. d/b/a Cheerleaders to provide liquor beverage service for the Lincoln Benefit Life company party on Friday, November 5, 2004 from 5:30 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street.

MOTION: Hudkins moved and Workman seconded approval of an application for a Special Designated License from B&B-Q Inc. d/b/a Cheerleaders to provide liquor beverage service for the Lincoln Benefit Life company party on Friday, November 5, 2004 from 5:30 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

F. A grant contract with Houses of Hope, Inc. for funding for the Transitional Residential Halfway House, in the amount of \$47,138. Term of the grant contract is July 1, 2004 to June 30, 2005. (C-0-0495)

MOTION: Schorr moved and Workman seconded approval of a grant contract with Houses of Hope, Inc. for funding for the Transitional Residential Halfway House, in the amount of \$47,138. Term of the grant contract is July 1, 2004 to June 30, 2005. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

G. A grant contract with the Nebraska Urban Indian Health Coalition (NUIHC) for funding the NUIHC's Domestic Violence Project Coordinator who ensures implementation of the court-referred batterers programs, support groups and services for victims of domestic violence, in the amount of \$15,769. The NUIHC will contribute \$22,171 in matching funds. Term of the grant contract is June 1, 2004 through June 30, 2005. (C-04-0496)

MOTION: Workman moved and Hudkins seconded approval of a grant contract with the Nebraska Urban Indian Health Coalition (NUIHC) for funding the NUIHC's Domestic Violence Project Coordinator who ensures implementation of the court-referred batterers programs, support groups and services for victims of domestic violence, in the amount of \$15,769. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

H. A grant contract with CenterPointe, Inc. to provide management, program and transportation costs for the operation of a Juvenile Evening Reporting Center for Lancaster County youth, in the amount of \$96,750. Term of the grant contract is September 1, 2004 through August 30, 2005. (C-04-0502)

MOTION: Hudkins moved and Workman seconded approval of a grant contract with CenterPointe, Inc. to provide management, program and transportation costs for the operation of a Juvenile Evening Reporting Center for Lancaster County youth, in the amount of \$96,750. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

I. A contract with Cheever Construction Company for the CenterPointe Juvenile Drug Rehabilitation Facility, located at 2200 South 10th Street, Lincoln, Nebraska. The amount of the contract is \$331,335 for the base bid (\$408,575) with the deduction of Alternate 3 (-\$17,240) and Alternate 5 (-\$60,000). The work will be completed by April 8, 2005. (C-04-0497)

MOTION: Workman moved and Hudkins seconded approval of a contract with Cheever Construction Company for the CenterPointe Juvenile Drug Rehabilitation Facility, located at 2200 South 10th Street, Lincoln, Nebraska. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

J. An equipment lease agreement with Behavioral Interventions (BI), Inc. for 20 electronic field monitoring devices to be utilized by Lancaster County Community Corrections. Term of the lease agreement is November 1, 2004 through October 31, 2005 with an option to purchase the equipment after the two year term. The County will pay \$35,004.35 for the equipment. (C-04-0498)

MOTION: Hudkins moved and Workman seconded approval of an equipment lease agreement with Behavioral Interventions (BI), Inc. for 20 electronic field monitoring devices to be utilized by Lancaster County Community Corrections.

Mundt clarified that the term of the equipment lease agreement should be through October 31, 2006 and that the term of the agreement in New Business Item 5K should be through October 31, 2007.

In response to a question asked by Schorr regarding New Business Items 5J and 5K, Mundt explained that Item 5K allows Behavioral Interventions (BI) to notify Community Corrections of any function which the equipment provides.

5) **NEW BUSINESS CONTINUED:**

Mundt also noted that both agreements (New Business Items 5I and 5K) contain a clause indicating that in no event will BI be liable for consequential, indirect or special damages. She said it has been the practice of the County Attorney's Office to advise against such a clause in agreements.

Discussion followed regarding the term of both Items 5J and 5K.

ROLL CALL: Workman, Hudkins and Schorr voted aye. Stevens voted no. Motion carried.

K. A monitoring service agreement with Behavioral Interventions (BI), Inc. for monitoring services for Lancaster County Community Corrections' operation of 20 electronic field monitoring devices. Term of the agreement is November 1, 2004 through October 31, 2005 and includes a 60 day termination provision. The County will pay \$1.25 per unit, per day for each active unit. (C-04-0500)

The Clerk noted that the term of the agreement should be from November 1, 2004 through October 31, 2007.

MOTION: Schorr moved and Hudkins seconded approval of a monitoring service agreement with Behavioral Interventions (BI), Inc. for monitoring services for Lancaster County Community Corrections' operation of 20 electronic field monitoring devices with the correction that the term be from November 1, 2004 through October 31, 2006. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

L. An agreement with Joyce Schmeeckle, Ph.D., to evaluate and complete quarterly progress reports for the Drug Free Communities Grant program, which operates within the limits and agreements made by Lancaster County and the Office of Juvenile Justice and Delinquency Prevention as part of the Lancaster County Human Services Department. Term of the agreement is September 1, 2004 through August 31, 2005. The County will pay \$7,500 for these services. (C-04-0499)

MOTION: Hudkins moved and Workman seconded approval of an agreement with Joyce Schmeeckle, Ph.D., to evaluate and complete quarterly progress reports for the Drug Free Communities Grant program, which operates within the limits and agreements made by Lancaster County and the Office of Juvenile Justice and Delinquency Prevention as part of the Lancaster County Human Services Department. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- M. An agreement with EPOS Corporation to act as a technology service provider for the County Treasurer's Office for property tax collection. The agreement is effective upon execution through December 31, 2004 and renewable for a three year term. (C-04-0501)**

This item was held at the request of the County Attorney's Office.

- N. An agreement between Lancaster County and the Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecution in their investigations of child abuse. The agreement began October 1, 2004 and ends September 30, 2005. The County will pay \$20,000 for these services. (C-04-0504)**

MOTION: Schorr moved and Workman seconded approval of an agreement between Lancaster County and the Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecution in their investigations of child abuse. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

- O. A resolution in the matter of increasing the maximum contribution to the Flexible Employee Benefit Account (FEBA) from \$4,500 to \$5,000. (R-04-0127)**

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0127 in the matter of increasing the maximum contribution to the Flexible Employee Benefit Account (FEBA) from \$4,500 to \$5,000. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

- P. Recommendation from the Purchasing Agent and project architect, Sinclair Hille, to award a bid to Don McKinney, Inc., in the amount of \$97,500, for a pre-manufactured metal building package for vehicle storage for the County Sheriff. (B-04-0044)**

MOTION: Hudkins moved and Workman seconded approval of the recommendation from the Purchasing Agent and project architect, Sinclair Hille, to award a bid to Don McKinney, Inc., in the amount of \$97,500, for a pre-manufactured metal building package for vehicle storage for the County Sheriff. Workman, Schorr and Hudkins voted aye. Stevens voted no. Motion carried.

5) **NEW BUSINESS CONTINUED:**

Q. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees in connection with the remodel of Midtown Center, located at 2966 "O" Street:

- Cheever Construction Company, in the amount of \$116,588.70, for general construction.
- ICI Paints, in the total amount of \$704.08, for paint.
- Lincoln Electric System, in the amount of \$411.96, for electric service.
- Menards (Lincoln North), in the amount of \$21.36, for six safe releases.
- Cubs Distributing, Inc., in the amount of \$74.34, for supplies.
- Contemporary Woods, in the amount of \$1,150, for staining and sealing doors and door casings.

Total payment request is \$118,950.44.

MOTION: Schorr moved and Workman seconded approval to authorize Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees in connection with the remodel of Midtown Center, located at 2966 "O" Street: Cheever Construction Company, in the amount of \$116,588.70; ICI Paints, in the amount of \$704.08; Lincoln Electric System, in the amount of \$411.96; Menards, in the amount of \$21.36; Cubs Distributing, Inc., in the amount of \$74.34 and Contemporary Woods, in the amount of \$1,150. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

R. A political subdivision tort claim filed against the Lancaster County Corrections Department by Lowell Hayes for lost property, in the amount of \$200.

MOTION: Workman moved and Schorr seconded to accept the recommendation of the Corrections Department and deny a tort claim filed against the Lancaster County Corrections Department by Lowell Hayes for lost property, in the amount of \$200. Schorr, Workman, Hudkins and Stevens voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. County Assessor/Register of Deeds' Monthly Report for September, 2004.**
- 2. Clerk of the District Court's Monthly Report for September, 2004.**

6) **CONSENT ITEMS CONTINUED:**

3. County Treasurer's Mid-Term Report on 2002 Distress Warrants.

B. Setting of public hearings for Tuesday, November 2, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. **County Special Permit 04039, Prairie View Estates (now known as "High Prairie Estates") Community Unit Plan**, requested by Engineering Design Consultants on behalf of Batie Farms, Inc., for five residential acreage units and associated waiver requests, on property generally located northeast of the intersection of Highway 77/Homestead Expressway and Hickman Road in Lancaster County, Nebraska.
2. **County Preliminary Plat 04018, Prairie View Estates (now known as "High Prairie Estates")**, requested by Engineering Design Consultants on behalf of Batie Farms, Inc., for five residential acreage lots and associated waiver requests, on property generally located northeast of the intersection of Highway 77/Homestead Expressway and Hickman Road in Lancaster County, Nebraska.

C. Setting of a public hearing for Tuesday, November 9, 2004 at 7:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding Lancaster County's proposed One and Six-Year Road and Bridge Improvement Program for the fiscal years beginning July 1, 2005 through June 30, 2010, as proposed by the Lancaster County Engineer.

D. Setting of a public hearing November 9, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding a petition from ten percent of the property owners living in Clarendon Hills Subdivision and Portsche Heights Subdivision for the paving of Revere Lane, Portsche Lane, Badger Drive, Boone Trail, 75th Street, Carson Road and Travis Drive. The name of the Special Paving Improvement District will be called Clarendon Hills Road Improvement District.

E. Requests from Thanh Nguyen and Keli M. Crouse, employees with Lancaster Manor, to voluntarily participate in the Lancaster County retirement plan, having met the requirements.

F. A right-of-way contract between the Lancaster County Engineering Department and Andrew M. and Tamera S. Ingwerson, in the amount of \$859, on Pine Lake Road from North 148th to North 190th Streets. (C-04-0503)

MOTION: Schorr moved and Hudkins seconded approval of the Consent Items. Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:10 p.m.. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 19, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Deb Schorr
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:10 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 12, 2004.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization dated October 12, 2004. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 47 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Schorr moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Daughters of the Holy Spirit
Villa Marie School**

MOTION: Workman moved and Schorr seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR THE FOLLOWING:**

Todd B. and Michelle Jansa (2 notices)

Norm Agena, County Assessor/Register of Deeds, said the notices are for two parcels of real estate owned by the railroad. He explained that they sold in May of 2004 and they are now going from exempt to taxable.

MOTION: Schorr moved and Hudkins seconded approval of two notices of assessed valuation change for Todd B. and Michelle Jansa.

Agena explained that the property owners have 30 days from October 19, 2004 to file written protest if they do not agree with the value.

ROLL CALL: Hudkins, Workman, Schorr and Stevens voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:15 p.m.. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk